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March 27, 2019

The Honorable Steve Adler
City of Austin
P.O. Box 1088
Austin, TX 78767-1088

Dear Mayor Adler,

TxDOT and the City of Austin have enjoyed a long-standing partnership, cooperating in all aspects of transportation, and we look forward to continuing that partnership for many years to come.

There appears to be some miscommunication over the Municipal Maintenance Agreement (MMA) and the responsibility of homeless encampments within the City of Austin. As you may be aware, when a city incorporates, state law entrusts the maintenance and operations of all roadways, including state roadways, to the municipality. However, a signed MMA allows the state to relieve the city of some of the maintenance responsibilities.

The 1986 MMA, which is attached, outlines the responsibilities of both the city and the state when it comes to state-owned roadways. While it does indicate that the state will mow and clean up litter along controlled-access highways, there is a specific paragraph (page 3, number 7) in the overall agreement that states: "The city shall prevent future encroachments within the right of way of the highway routes and assist in removal of any present encroachments when requested by the state except where specifically authorized by separate agreement." TxDOT legal counsel has advised that an encroachment under this document would include dwellings, lean-tos, tents and any other fabrications and debris associated with homeless encampments. Although TxDOT has performed these cleanups for well over ten years, we are unable to safely and effectively continue to provide this service and propose to transition this responsibility to the city, in accordance with the MMA.

While we have a vested interest in this issue and facilitated the Initiative to Address Homelessness, which is a collaborative effort by TxDOT, City of Austin, Travis County, state lawmakers, mental health service providers, and homeless advocates, ultimately TxDOT is better suited for building and maintaining roads.

This issue underscores the need to update the MMA, and we strongly feel that it would be in the best interest of both parties to draft and adopt a new MMA, to better clarify roles and responsibilities.

OUR VALUES: *People • Accountability • Trust • Honesty*

OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

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TxDOT initiated discussion with city staff regarding drafting a new MMA as well as the under-bridge cleanups in July 2018. Although we appreciate that the MMA process may take some time to resolve, we fully believed that we had arrived upon a mutually agreeable plan for transitioning the cleanup from TxDOT to the City of Austin.

I would love to discuss this issue with you further and determine a path forward. In the meantime, if you have any questions, please reach out to me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Terry G. McCoy".

Terry G. McCoy, P.E.
Austin District Engineer

Attachment